

REMARKS

Petition for Extension of Time Under 37 CFR 1.136(a)

It is hereby requested that the term to respond to the Examiner's Action of January 28, 2008 be extended two months, from April 28, 2008 to June 30, 2008 (June 28 being a Saturday).

The Commissioner is hereby authorized to charge the extension fee, and any additional fees associated with this communication to Deposit Account No. 50-4364.

In the Office Action, the Examiner indicated that claims 1 through 22 are pending in the application and the Examiner rejected all of the claims.

Rejection of under 35 U.S.C. §§102 and 103

On page 2 of the Office Action, the Examiner rejected claims 1-8, 13-17, and 19-22 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,185,290 to Cadiz et al.

On page 7 of the Office Action, the Examiner has rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over Cadiz et al., and on page 8 of the Office Action, the Examiner has rejected claims 9, 11, 12, and 18 under 35 U.S.C. §103(a) as being unpatentable over Cadiz et al. in view of U.S. Patent No. 6,934,740 to Lawande et al.

The Cited Prior Art Does Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art

reference." (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) M.P.E.P. §2131.

The Examiner Has Not Established a *Prima Facie* Case of Anticipation

In the claimed invention (See claims 1, 21, and 22 as now amended), data to be displayed from a remote service provider is automatically embedded in *an application that is not dedicated to displaying data from a remote service provider*, e.g., a calendar program. The Examiner asserts that Cadiz discloses this feature (moved into the independent claims from claim 2) at column 16, lines 29-37. Applicant submits that neither this extract, nor any other part of Cadiz, discloses this claimed feature. Column 16, lines 29-37, merely lists a series of possible types of information that could be used in accordance with the "tickets" of the invention. Cadiz clearly explains that all data updates should be provided to a user within a "peripheral awareness interface" which is dedicated to the purpose of retrieving and displaying data from a remote supplier. See, for example, column 4, line 54 to column 5, line 2, and column 5, lines 41-44. Cadiz in fact teaches away from the idea of displaying data within an application that is not primarily intended for obtaining and displaying data from a remote data supplier (see column 4, lines 16-21). Accordingly, the claims, as amended, are both novel and non-obvious over Cadiz, and the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. § 102.

The addition of Lawande does not supply the teachings that are missing from Cadiz. Accordingly, for the reasons set forth above, the claims are non-obvious over Cadiz, both alone and combined with Lawande. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims under 35 USC §103.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this communication to applicant's Deposit Account No. 19-5425.

Respectfully submitted

June 30, 2008
Date

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